



PLANNING COMMISSION SPECIAL SESSION MINUTES ~ APPROVED
TUESDAY, APRIL 9, 2013 AT 2:00 PM
City Hall ~ 82877 Spruce St., Westlake, OR 97493

The proceedings of the Dunes City Planning Commission were recorded and are on file at Dunes City Hall. Upon approval by the Planning Commission, these minutes will be available online at www.dunescity.com.

1. CALL TO ORDER

The Planning Commission Special Session meeting was called to order by Chairman George Burke at 2:08 pm.

2. ROLL CALL

Roll Call was taken by City Recorder Fred Hilden.

Present: Chairman George Burke, Vice Chairman Lee Riechel, Commissioner Ken Henderson, Commissioner Paul Gargis, and Commissioner Darlene Beckman.

Absent/Excused: Commissioner Norman Martin.

Others Present: City Recorder Fred Hilden.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Commissioner Beckman made a motion to approve the Agenda. Commissioner Gargis seconded the motion. The motion passed by unanimous vote.

5. APPROVAL OF THE CONSENT AGENDA – None

6. ANNOUNCEMENTS / CORRESPONDENCE

City Recorder Hilden announced that the City Council scheduled a Special Session open meeting for April 16th to review the Comprehensive Plan, which has amendments pending. An open CCI meeting about Goal 1 changes will take place in May, chaired by the City Attorney, for public input. He also announced that Budget Committee meetings will be held weekly beginning April 23rd.

Mr. Hilden noted that the City Planner has submitted a completion letter for the Scarberry partition on Clear Lake Road and that he is currently working on the staff report and findings of fact that will be reviewed by the Planning Commission soon.

Mr. Hilden also mentioned that staff was processing the stop work order on Lake Boulevard as both a Conditional Use Permit and a Variance, as recommended by the City Planner.

Mr. Hilden went on to advise the Commission that the Preliminary Plat for Montgomery View Estates was due to expire April 18th. Staff has met with the City Planner, Engineers and both City Attorney and attorney for Mr. Montgomery to discuss options for moving forward with the application process. The Preliminary Plat should come up for review by the Planning Commission in a few weeks.

7. CITIZEN INPUT

Commissioner Henderson raised concern about a school bus parked in a driveway on Clear Lake Road and extending partially into the public roadway, or sometimes parked on Clear Lake Road. It was noted that it was a potentially hazardous situation due to children playing in the area and the curvature of the road. Mr. Hilden advised Commissioners that Clear Lake Road is county property and if the vehicle is licensed and parked on the street Dunes City has no jurisdiction over it, but he would ask Richard Perkins of the county to look into the issue.

8. PUBLIC HEARING –None

9. UNFINISHED / OLD BUSINESS

A. Review Chapter 155.5 Final Redline

Chairman Burke opened the meeting for discussion of the final redlined Chapter 155.5 presented by staff. City Recorder Hilden pointed out corrections that staff had made after receiving the prior draft's edits.

Commissioners discussed and tentatively recommended to list definitions of City Engineer and City Building Official at the beginning of Title XV in Chapter 150 General Provisions as well as in each relevant land use section, pending approval by legal review, so that they could be referenced easily by anyone reading any Chapter. Commissioners agreed that this could be discussed again and included in their review of Chapter 150 at a later date.

Commissioner Henderson made a motion to approve Chapter 155.5 Final Redline as amended with the corrections by staff. Commissioner Beckman seconded the motion. The motion passed by unanimous vote.

B. Review Chapter 151 Final Redline

Chairman Burke directed the Commissioners to discussion of the final redlined document presented by staff.

City Recorder Hilden pointed out corrections that staff made to the prior version and noted that the Excavation and Grading section would be reviewed by the City Engineer who

would provide the appropriate language in alignment with Dunes City code and state guidelines. Chairman Burke noted that staff will also need to include new state language in the Permits and Inspections section where noted so that Dunes City is following state guidelines. The Administration and Enforcement section will be referred to the Dunes City Building Official, who will review and update with official state language.

There was no motion made, or vote taken, but it was agreed by all to accept the Chapter 151 Final Redline as amended with corrections and insertions noted by staff and Commissioners.

10. NEW BUSINESS

A. Begin Review Chapter 154

Chairman Burke opened discussion of Chapter 154 by stating briefly that the revisions to this Chapter were being undertaken at the recommendation of legal staff to bring the Chapter into compliance with state guidelines and other recently revised Dunes City Code. In addition, language regarding erosion control, riparian corridor, shoreline zone, vegetation removal, etc. needed to be updated to correspond to state standards and clarified to eliminate confusion.

Commissioners and staff talked at length about a number of concerns and issues that should be considered while rewriting Chapter 154. Among the issues discussed were:

- Whether storm water runoff management should be included with or tied to erosion control and included in Chapter 154 or kept entirely separate,
- Whether Chapter 141, which details the current erosion control requirements, should be included within Chapter 154,
- Whether Chapter 141 is enforceable as currently written,
- Whether it is necessary to include in storm water runoff and erosion control development code for each lot of a subdivision, or the subdivision as a whole,
- What would the regulations and enforcement guidelines for maintenance be,
- Who could provide the best advice and recommendations on that content, and
- Who would enforce the regulations.

It was generally agreed by all that Chapter 141 was not enforceable as currently written. It needs improvement to the building permit process and engineering requirements, needs to tie storm water runoff management to erosion control, and the City Engineer should review and make recommendations. There was also discussion about whether or not it was feasible to separate storm water runoff regulations from erosion control regulations; staff was directed to ask City Engineer for recommendations.

Chairman Burke requested a short recess at 3:30 pm and reconvened the meeting at 3:40 pm.

Commissioners began the review of Chapter 154 with Section 154.02

Definitions. It was noted that the existing definitions are Code, but should be simplified and broadened to apply specifically to the content of the Chapter.

Commissioners agreed to make the following changes to Section 154.02 Definitions:

1. The Maintenance, Pruning, and Limbing definition should be changed to read, "Periodic limbing, pruning, and maintenance of existing cleared areas."
2. The Natural Vegetation definition should be changed to read, "Any native trees, shrubs, brush, plants, or grasses."
3. After discussing the complex definition for Original Vegetation Inventory, it was agreed by all to pass on reworking during this meeting.
4. It was agreed that the definition for Public Right-of-Way should remain as written, but that staff would compare it to Chapter 32 to make sure that the definitions are the same in both Chapters.
5. Staff was directed to obtain the current state definitions for Riparian Corridor and Shoreland Zone so that the Commission could determine whether they should be substituted for existing definitions.
6. It was agreed to remove the Soil Erosion definition from this Section and to change the number and title of the Chapter to: Chapter 154.2 Vegetation Removal and Maintenance in Riparian Corridors and Shoreland Zones.

Discussing Section 154.03 Permit for Vegetation Removal Required-Exceptions, it was agreed to:

1. Change the title to read, "Permit for Vegetation Removal Required and Exceptions" and to renumber the Section as appropriate.
2. Change (A) "Generally" to "Permit Required"
3. Change (A)(1) to read, "A vegetation removal permit is required if any vegetation/tree is to be removed from the shoreland zone or riparian corridor."
4. Delete (A)(2) entirely.
5. Change (A)(1)(a) to read, "Vegetation within the first 15 feet above the ordinary high water mark in the shoreland zone or the top of the bank in riparian corridors may be removed if necessary for the development of water-dependent or water-related uses as defined in the Lake Section of Chapter 155."
6. Renumber so that in (A)(1): (b)1 becomes (b), 2 becomes (c) and (c) becomes (d).
7. Change (B)(1)(a) to read, "Maintenance, Pruning and Limbing, as defined in § 154.02."
8. Change (B)(1)(b) to read, "Removal of non-native vegetation or noxious weeds."

Staff was directed to research the various state definitions and shoreland zone guidelines for discussion at future meetings.

11. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

Chairman Burke requested to schedule the next Special Session of the Planning Commission to continue review of Chapter 154. It was agreed by all that the next Special Session would take place on Wednesday, April 24th at 2:00 pm.

City Recorder Hilden announced that he would circulate Resolution 61203C for review. He explained that the resolution creates additional duties of the Conservation Committee to visit, view and make recommendations to the Planning Department prior to the issuance of any permits for any development contiguous to the lake, Class F stream or wetland. Mr. Hilden explained that, in the opinion of the City Attorney, because this code was passed by resolution rather than ordinance, it could be interpreted as land use code and, as a resolution, it can't be enforced. The Attorney suggested that the Planning Commission address this issue by taking action to recommend that City Council repeal the resolution or create its language in the new code that is in the works.

12. ADJOURNMENT

Vice Chairman Riechel made a motion to adjourn the meeting. Commissioner Beckman seconded the motion. The motion passed by unanimous vote.

Chairman Burke adjourned the Planning Commission Special Session at 4:57 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 23rd OF JANUARY 2014.

[Signed copy available at City Hall]

George Burke, Planning Commission Chairman

ATTEST:

[Signed copy available at City Hall]

Rapunzel Oberholtzer, Administrative Assistant